## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

United States of America, )					
	Plaintiff,	)	8:05MJ131		
	VS.	)	DETENTION ORDER		
Lui	is Valadez-Briceno,	)			
	Defendant.	)			
A.			nt to 18 U.S.C. § 3142(f) of the Bail ed defendant detained pursuant to 18		
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.         X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>				
C.	that which was contained in the X (1) Nature and circums X (a) The crime: Fraud carries a maximprisonmen (b) The offense (c) The offense	e Pretrial Servetances of the Illegal Alies	n found in US following deportation document in an immigration matter is a serious crime and of 20 years iolence.		
	(a) General Factorial Fact	aracteristics of tors: defendant ap affect whethed defendant has	st the defendant is high. the defendant including:  pears to have a mental condition which r the defendant will appear. s no family ties in the area. s no steady employment.		

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		The defendant has no substantial financial resources. The defendant is not a long time resident of the community.
		The defendant does not have any significant community ties.
		Past conduct of the defendant:
		The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. ime of the current arrest, the defendant was on:
		Probation Parole Release pending trial, sentence, appeal or completion of sentence.
	(c) Other F ——	factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to
	XX	deportation if convicted. The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: Prior use of aliases
(4)	The nature an release are as	d seriousness of the danger posed by the defendant's follows:
(5)		
	relied on the following specification (a) That no assure safety of	that the defendant should be detained, the Court also ollowing rebuttable presumption(s) contained in 18 U.S.C. on the Court finds the defendant has not rebutted: o condition or combination of conditions will reasonably the appearance of the defendant as required and the of any other person and the community because the Court at the crime involves:
		<ol> <li>A crime of violence; or</li> <li>An offense for which the maximum penalty is life imprisonment or death; or</li> <li>A controlled substance violation which has a maximum penalty of 10 years or more; or</li> </ol>

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	(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
(b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

dangerous weapon or device).

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 15, 2005.

BY THE COURT:

and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or

s/ F. A. Gossett United States Magistrate Judge